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ATTORNEY FOR APPELLANT:

DANIEL E. HENKE
Noblesville, Indiana

ATTORNEYS FOR APPELLEE:

STEVE CARTER
Attorney General of Indiana

JUSTIN F. ROEBEL
Deputy Attorney General
Indianapolis, Indiana

**IN THE
COURT OF APPEALS OF INDIANA**

ADAM WOOD,)	
)	
Appellant-Defendant,)	
)	
vs.)	No. 29A04-0609-CR-501
)	
STATE OF INDIANA,)	
)	
Appellee-Plaintiff.)	

APPEAL FROM THE HAMILTON SUPERIOR COURT
The Honorable Daniel J. Pfleging, Judge
Cause No. 29D02-0408-FD-119

April 16, 2007

MEMORANDUM DECISION - NOT FOR PUBLICATION

NAJAM, Judge

STATEMENT OF THE CASE

Adam Wood appeals from the trial court's revocation of his probation. He presents one issue for review, namely, whether the evidence is sufficient to show that he violated a term of his probation.

We affirm.

FACTS AND PROCEDURAL HISTORY

On August 25, 2004, the State charged Wood with Theft, as a Class D felony, in Hamilton County. On January 10, 2005, Wood pleaded guilty as charged under a written plea agreement. Adopting the State's recommendation, the trial court sentenced Wood to three years in the Indiana Department of Correction, with all but time already served suspended, and one year of probation conditioned on the payment of restitution plus costs and fees. Wood's Hamilton County probation was to be served consecutive to probation he was serving in Hancock County.

On August 8, 2005, the State filed an information alleging that Wood violated the terms of his probation ("first information").¹ Specifically, the State alleged that Wood had been charged with theft, as a Class D felony, in Hancock County under Cause Number 30D01-0505-FD-66 ("FD-66"). On October 25, 2005, the State filed a second information alleging a probation violation ("second information"), specifically, that Wood had been charged with Escape, a Class D felony, in Hancock County under Cause Number 30D01-0508-FD-147 ("FD-147").

¹ In this case, the State filed three separate "informations" alleging that Wood violated the terms of his probation. Appellant's App. at 37, 45, 64. We note, however, that the pleading that alleges a probation violation is usually captioned as a notice of probation violation.

On August 18, 2006, the trial court held an evidentiary hearing on the first and second informations alleging probation violations. The court determined that Wood had violated the terms of his probation as alleged in the second information, revoked his probation, and remanded him to serve the balance of his three-year sentence with 120 days of credit time.² Wood now appeals.

DISCUSSION AND DECISION

Wood contends that the evidence is insufficient to support his probation revocation. We review a trial court's decision to revoke probation under an abuse of discretion standard. Jones v. State, 838 N.E.2d 1146, 1148 (Ind. Ct. App. 2005). A probation revocation hearing is civil in nature, and the State need only prove the alleged violations by a preponderance of the evidence. Brabandt v. State, 797 N.E.2d 855, 860 (Ind. Ct. App. 2003) (citations omitted). "Generally, 'violation of a single condition of probation is sufficient to revoke probation.'" Id. at 860-61 (quoting Pittman v. State, 749 N.E.2d 557, 559 (Ind. Ct. App. 2001), trans. denied). On review, our court considers only the evidence most favorable to the judgment without reweighing that evidence or judging the credibility of witnesses. Id. at 861 (citations omitted). If there is substantial evidence of probative value to support the trial court's conclusion that a defendant has violated any terms of probation, we will affirm its decision to revoke probation. Id.

Wood contends that the evidence is insufficient to show that he violated a term of his probation by committing a subsequent criminal offense. He concedes that "[t]he State's evidence presented makes it clear that an Adam Wood committed an offense of

² On April 19, 2006, the State had also filed a third information alleging a probation violation. Because the hearing addressed only the first and second informations alleging probation violations, we need not consider the third information.

Escape” in Hancock County. Appellant’s Brief at 7. But he argues that the evidence is insufficient to show that he was the Adam Wood who committed that offense. We cannot agree.

At the probation revocation hearing, Joy Bratton, Wood’s probation officer in Hamilton County, testified that Wood’s probation in Hamilton County was to be served consecutive to his probation in Hancock County. Bratton maintained contact with Wood’s Hancock County probation officer, and Wood was to report to Bratton shortly before his Hancock County probation ended. At an evidentiary hearing in Hamilton County in April 2006, Bratton learned that Wood had new pending charges, and she contacted his Hancock County probation officer.³ Wood was still serving his Hancock County probation, though his Hamilton County probation case was also considered an open case at that time.

On August 8, 2005, Bratton filed the first information, alleging that Wood violated his probation by committing the offense of theft in Cause Number FD-66. And on October 25, 2005, Bratton filed the second information, alleging that Wood violated the terms of his Hamilton County probation because he had been charged with escape in FD-147. At the ensuing Hamilton County probation revocation hearing, the trial court admitted into evidence the information and probable cause affidavit in FD-147, both dated August 4, 2005, charging Adam Wood with escape in Hancock County. The trial court also admitted a change of plea and sentencing order, under which Adam Wood pleaded guilty to escape as charged in FD-147.

³ The record does not indicate who informed the court of those pending charges at the evidentiary hearing.

Bratton testified that she had no doubt that the Adam Wood who was convicted of escape in FD-147 was the same Adam Wood who was the subject of the present probation revocation proceedings, noting her regular contact with Wood's Hancock County probation officer. Additionally, Wood's home address on the probation order in the present case matched the home address on the charging information and probable cause affidavit in FD-147.

As noted above, the State is only required to prove by a preponderance of the evidence that Wood violated a term of his probation. See Brabandt, 797 N.E.2d at 860. Wood's contention that the evidence is insufficient to show that he is the same Adam Wood who was convicted of escape in Hancock County is a request that we reweigh the evidence, which we cannot do. Id. at 861. Thus, we conclude that the evidence is sufficient to show that Wood is the same Adam Wood who violated the terms of his Hamilton County probation by committing the subsequent offense of escape in Hancock County.

Affirmed.

RILEY, J., and BARNES, J., concur.